

REMARKS

The foregoing claims should be allowable on first Office Action. All the foregoing claims are comparable to the issued claims of U.S. Patent No. 6,669,663. None are of the same scope. With entry of the accompanying Terminal Disclaimer, the claims should be immediately allowable.

To better permit the Examiner to perceive the scope of the claims and their relationship to the issued claims of the '663 patent, the following is stated.

I. "Device" Claims

A. Iontopheretic Sensing Claims

Application claim 14 is '663 patent claim 1, which included iontopheretic sensing, with application claim 14 further including the additional limitation that the sensor module comprises a sampling system and a concentration determining system. A claim such as application claim 14 was not issued in the '663 patent because '663 patent claim 1 had no dependent claims.

Additional application claims 15 – 20, which are dependent on application claim 14, parallel patent claims 5-10, which were dependent on patent claim 2. Additional application claims 21 – 41 are directed to additional limitations taken from the specification. They depend from application claim 14 and its dependent claim 20. Additional application claims 42 and 43 direct themselves to the subject of application claim 14 with additional limitations directed to glucose detection and insulin delivery.

B. Glucose Detection and Insulin Delivery

Application claim 44 is patent claim 2, with additional limitations directed to glucose detection and insulin delivery. Application claims 45 – 50 parallel patent claims

5 – 10, with dependency on application claim 44. Application claims 51 – 71 parallel application claims 21 – 41. The patent claims did not expressly limit themselves to glucose detection or insulin delivery.

Application claim 72 is patent claim 13, with added limitations directed to glucose detection and insulin delivery. Application claims 73 – 78 parallel patent claims 5 – 10, with dependency on application claim 72. Application claims 79 - 99 parallel application claims 21-41. Applications claims 100 – 102 are highly detailed claims incorporating many of the limitations of application claims 73 –99, and the limitations of application claim 72.

Application claims 103 - 107 are patent claims 16 - 20, with added limitations directed to glucose detection and insulin delivery.

C. New Independent Claims and Their Dependent Claims

Application claims 108, 136, 164, 192, 193, 194, 195 and 196 are patent claims 1, 2, 13, 16, 17, 18, 19, and 20 with additional limitations directed to the substance of interest being from among the group of biological chemicals, enzymes, and hormones. The dependent claims from these claims also parallel the dependent application claims 15 – 43.

E. Method Claims

Application claims 198 – 206 are patent claims 11 – 12 and 14 – 15 and a few additional dependent claims with added limitations directed to glucose detection and insulin delivery.

CONCLUSION

All the claims now presented for examination are comparable to the issued claims of U.S. Patent No. 6,669,663. For all the same reasons that the claims of the '663 patent were allowable, the claims now presented are allowable. They are also allowable for all reasons associated with their additional limitations. The enclosed Terminal Disclaimer obviates any possible obviousness type double patenting rejection, and therefore, the claims should be allowed on first Office Action.

Respectfully submitted,

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